

REMARKSThe Amendments

Claim 1 is amended to more precisely define the R<sup>1</sup> to R<sup>3</sup> groups. Claim 2, which was indicated to be allowable if rewritten in independent form, is so rewritten. Claim 3 is amended to depend only from claim 1 and the formulae 2-1 to 2-5 are corrected to address the 35 U.S.C. § 112 rejections (see the discussion below). These same corrections are made in the specification. The other part of claim 3 dependent on claim 2 is now removed to new claim 11 and a corresponding set of dependent claims from claim 2 is added. Further, dependent claims supported, for example, by the disclosure at pages 9-10 and 13-14 are added.

To the extent that the amendments avoid the prior art or for other reasons related to patentability, competitors are warned that the amendments are not intended to and do not limit the scope of equivalents which may be asserted on subject matter outside the literal scope of any patented claims but not anticipated or rendered obvious by the prior art or otherwise unpatentable to applicants. Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Rejections under 35 U.S.C. § 112

The rejections of claim 3 under 35 U.S.C. § 112, first and second paragraphs, are believed to be rendered moot by the above amendments. Applicants appreciate that the Examiner has recognized that the merging of the formulas as stated in original claim 3 resulted in an erroneous duplicative inclusion of the ester group. It is believed that it would

be clear from the synthesis examples in the disclosure and from the general knowledge of one of ordinary skill in the art that such duplication occurred and was clearly not the intent. One of ordinary skill in the art would have read the disclosure recognizing the error and understanding that the formulae 2-1 to 2-5 should not have included the ester group because it is already included in the definition of the  $R^0$  group. Thus, the amendment to the specification and claims above merely corrects an obvious error and does not constitute new matter.

**The Rejections under 35 U.S.C. § 102**

The rejection of claim 1 over Bonafini (U.S. Patent No. 5,923,397) and the rejection of claims 1 and 4 over Ratkowski (U.S. Patent No. 4,661,573) as being anticipated under 35 U.S.C. § 102(b) are respectfully traversed.

Claim 1 has been amended to recite that “ $R^2$  and  $R^3$  bond together to form a ring.” The references in no way disclose or suggest a polymer having any such structure. Thus, the references cannot anticipate the instant claims and the rejections under 35 U.S.C. § 102 should be withdrawn.

In view of the above, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the examiner is courteously invited to telephone counsel at the number indicated below.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

December 15, 2003

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The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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